

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BERKLEY SPECIALTY
INSURANCE COMPANY, f/k/a
BERKLEY REGIONAL
SPECIALTY INSURANCE
COMPANY,**

Plaintiff

v.

**MASTERFORCE CONSTRUCTION
CORP.; JOHN P. BRANDT, O.D.;
KAREN BRANDT; WE DO METAL
ROOFS; ROBERT DEHARDER;
and KEITH WILTON,**

Defendants

Case No.: 4:19-cv-01162-MWB

Electronically Filed

**DEFENDANTS JOHN P. BRANDT, O.D. AND KAREN BRANDT'S
RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR
JUDGMENT ON THE PLEADINGS and
COUNTER-MOTION FOR JUDGMENT ON THE PLEADINGS**

Defendants John P. Brandt, O.D. and Karen Brandt ("Brandts"), by and through the undersigned counsel, respectfully submit to this Honorable Court, Defendants' response in opposition to Plaintiff's Motion For Judgment on the Pleadings as follows:

**BRANDTS' RESPONSE IN OPPOSITION TO
TO PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS**

The Brandts oppose Plaintiff's motion for the reasons set forth in their Answer (Doc. No. 8) and the reasons set forth more fully in their Brief, which is

being simultaneously filed with this response, respectfully request that Plaintiff's motion should be denied.

BRANDTS' COUNTER-MOTION
FOR JUDGMENT ON THE PLEADINGS

For the reasons set forth more fully in their Brief, which is being simultaneously filed with this motion, the Brandts move this Court pursuant to Federal Rule of Civil Procedure 12(c) for an Order granting Judgment on the pleadings. The Brandts respectfully suggest that this Court should find that Plaintiff is estopped from denying coverage under policy no. CGL 0015734-25 (the "2013 Policy") for the full measure of damages awarded in the underlying action primarily because Plaintiff failed to reserve its rights to disclaim coverage under the 2013 Policy under applicable Pennsylvania law.

Respectfully Submitted,

RFE LAW FIRM, LLC

Date: 09.23.2020

By: _____


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